

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK P. NIELSON,

Defendant.

8:22CR187

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 62). The Court has carefully reviewed the record in this case and finds as follows:

1. On August 18, 2023, defendant Mark P. Nielson ("Nielson") pleaded guilty to Counts I and II of the Indictment (Filing No. 13) and admitted the Forfeiture Allegation. Count I charged Nielson with possession with intent to distribute 50 grams or more of methamphetamine (actual); in violation of 21 United States Code section 841(a)(1) and (b)(1)(A). Count II of the Indictment charged him with using or carrying a firearm during and in relation to a drug trafficking crime; in violation of 18 United States Code section 924(c)(1)(A)(i).

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$1,914 in United States currency seized on or about July 17, 2022, from a blue 2002 Dodge Stratus with Nebraska license plates YAT104, located near 3435 S. 42nd Street, Omaha, Nebraska, on the basis that it was used to facilitate the offenses, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses.

3. Based on Nielson's guilty plea and admission, Nielson forfeits his interest in

the \$1,914 in United States currency and the government is entitled to possession of any interest Nielson has in the \$1,914 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Forfeiture is granted.

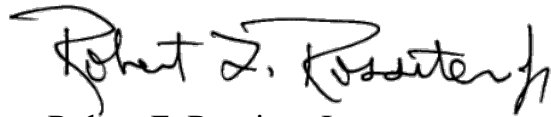
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 62) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 13) and Nielson's plea of guilty, the government is hereby authorized to seize the \$1,914 in United States currency.
3. Nielson's interest in the \$1,914 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$1,914 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$1,914 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than Nielson, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$1,914 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$1,914 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$1,914 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 28th day of August 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge